



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
JAMES D. ARTHUR)	
H. BRITTON SANDERFORD, JR.)	
and)	
ROBERT E. ROQUETTE)	
)	Group Art. Unit: 2202
Serial No. 07/782/345)	
)	Examiner: B. Gregory
Filed: October 24, 1991)	
)	
For: WIRELESS ALARM SYSTEM)	
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DECLARATION OF DAVID B. NEWMAN, JR.

BE IT KNOWN, that I swear and affirm the following:

1. As I previously testified in my Declaration dated April 28, 1995, during January and February 1993 I was suffering from health problems and was experiencing substantial difficulties with the operation of my law office.
2. As a result of these health and administrative problems, my mental concentration was impaired during this time period.
3. Although Axonn made numerous attempts to contact me to discuss the Response to the Office Action due on or about February 19, 1993, there were no substantive conversations

regarding the Response in the week prior to prior to February 19, 1993, due in part to my health problems, office difficulties and impaired concentration, with the exception of a conversation with Erin Pierce on February 17, 1993.

4. I informed Axonn that one option was to file a disgruntled employee affidavit pursuant to 37 C.F.R. § 1.47. My advice to Axonn was that the case not go abandoned. In February, I also mentioned to Axonn that if the application went abandoned because of the circumstances (Arthur's refusal to sign and the litigation with him) they were facing, the application could be revived as unintentionally abandoned by payment of a fee of \$585.

5. At no time did Axonn ever instruct me to allow the pending patent application to go abandoned.

6. I did not deliberately allow the patent to go abandoned by not filing a response to the Office Action on or about February 19, 1993.

7. Although there were discussions regarding options available to Axonn regarding the Response, at no time prior to February 19, 1993 do I recall a discussion with Axonn or its representatives in which I was informed Axonn made any decision regarding what action was to be taken with respect to the response that was due on or about February 19, 1993.

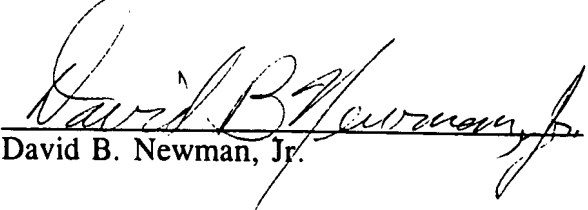
8. During my representation of Axonn, it was my experience that Axonn has strongly pursued the protection of intellectual property rights.

9. Based on the evidence I now have had the opportunity to review, I have no knowledge that Axonn deliberately planned to allow the patent to go abandoned. The abandonment was the result of a breakdown of communications between Axonn and myself regarding a decision on how to proceed, notwithstanding a conversation between myself and Michael Eckstein on the night of February 18, 1993.

10. On August 4, 1988, I provided Axonn with a positive opinion of patentability regarding the claims included in the initial application for the '577 patent and at no time prior to the issuance of that patent was I aware of material prior art which would affect patentability of the claims issued in that patent. In addition, during my representation of Axonn in connection with the prosecution of the '427 patent, I was not aware of any material prior art which would affect the patentability of the claims covered by that patent application. At all times during my representation of Axonn and during my participation in the efforts to revive the '427 patent, I complied with my duty to disclose under 37 C.F.R. § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


David B. Newman, Jr.

Sworn to me this 2nd day of October, 1997.


NOTARY PUBLIC
My Commission Expires: 10-1-99

Dawn E. Cave, Notary Public
Charles County
State of Maryland
My Commission Expires Oct. 1, 1999



UNITED STATES DISTRICT
EASTERN DISTRICT OF LOUISIANA

AXONN CORPORATION	*	CASE NO. 95-0796
	*	
VERSUS	*	SECTION: I
	*	
DAVID NEWMAN AND DAVID	*	MAGISTRATE: 4
NEWMAN & ASSOCIATES, P.C. AND	*	
ABC INSURANCE CO.	*	
	*	

AFFIDAVIT

STATE OF Maryland
COUNTY OF Charles

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified
in and for the County of Charles, personally came and appeared:

DAVID B. NEWMAN, JR.

who, after being duly sworn did depose and state the following:

1. I am an attorney in good standing and licensed to practice in the State of Maryland and in the United States Patent and Trademark Office. I have personal knowledge of the facts set forth herein.

2. I have thoroughly reviewed my files and billing records regarding issues related to James Arthur ("Arthur"), including (1) whether or not Arthur or Britton Sanderford ("Sanderford") should be considered the key inventor of certain patents of Axonn Corporation ("Axonn") and (2) why Arthur is listed as the first inventor on patents of Axonn.

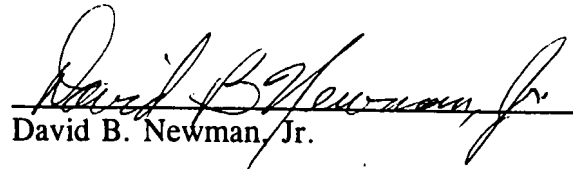
3. I understand that Sanderford believes his disclosures predate many of those of Arthur. I also understand that Sanderford states that the only reason Arthur is listed first as an inventor is because Arthur made a request to Sanderford that, since Arthur never previously had been listed first as an inventor, Arthur be allowed the opportunity to do so on the November 2, 1988 patent filing of Axonn.

4. I understand that Sanderford recalls that he asked me if the order of listing of inventors made any difference on ownership or on whose contribution is most important, and I told him that the order of listing had no such effect.

5. Based upon my best effort to review thoroughly my files, records, and bills, I am aware of no information and have no knowledge that would contradict or dispute in any way Sanderford's recollections and understandings regarding these matters.

6. I can state that I did not make any determination while patent attorney for Axonn as to which claims Arthur had contributed.

7. I am not able to, nor will I ever agree to, provide any opinion regarding Arthur's role as inventor regarding the patents of Axonn.


David B. Newman, Jr.

Sworn to and subscribed before me,
this 2nd day of ~~July~~, 1997.
October


NOTARY PUBLIC

My Commission Expires: 10-1-99

Dawn E. Cave, Notary Public
Charles County
State of Maryland
My Commission Expires Oct. 1, 1999